

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**FORWARD AIR INC., et al.,**

**Plaintiffs,**

**v.**

**Civil Action 2:18-cv-744**

**Judge Algenon L. Marbley**

**Magistrate Judge Chelsey M. Vascura**

**HUNTER LOGISTIC  
SERVICES, INC., et al.,**

**Defendants.**

**REPORT AND RECOMMENDATION**

This matter is before the United States Magistrate Judge for a Report and Recommendation on the Court's March 11, 2019 Show Cause Order and Notice of Deficiency. (ECF No. 56.) For the reasons that follow, it is **RECOMMENDED** that Plaintiff's claims against Defendant Hunter Logistic Services, Inc. be **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Plaintiffs filed this action on July 31, 2018, against several defendants, including Hunter Logistic Services, Inc. ("Hunter Logistic"). (ECF No. 1.) The docket indicates that Plaintiffs effected service of process over Defendant Hunter Logistic on October 29, 2018. (ECF No. 44.) When Defendant Hunter Logistic failed to timely file an answer, Plaintiffs applied for and obtained an entry of default from the Clerk pursuant to Federal Rule of Civil Procedure 55(a). Plaintiffs, however, did not file a motion for default judgment. On March 11, 2019, the Court ordered Plaintiffs to show cause why the claims against Defendant Hunter Logistic should not be dismissed for want of prosecution within fourteen days of the Show Cause Order unless they had

filed a motion for default judgment in the interim. (ECF No. 56.)

To date, Plaintiffs have not responded to the Show Cause Order and have not filed a motion for default judgment against Hunter Logistic. It is therefore **RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** against Hunter Logistic pursuant to Rule 41(b) for failure to prosecute.

### **PROCEDURE ON OBJECTIONS**

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

**IT IS SO ORDERED.**

/s/ Chelsey M. Vascura  
CHELSEY M. VASCURA  
UNITED STATES MAGISTRATE JUDGE